

**CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 3, 1996
7:00 P.M.**

1. ROLL CALL

Present: Council Members - Davenport, Mann, Pennino, Sieglock and Warner (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Public Works Director Ronsko, Community Development Director Bartlam, Parks and Recreation Director Williamson, Parks Superintendent Dauber, Electric Utility Director Vallow, City Attorney Hays and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Lee Hamby, Temple Baptist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Warner.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Warner presented Resolutions of Appreciation to Parks and Recreation employees Raul Barron and Jorge Cruz, who went above and beyond the call of duty in helping to prevent a recent kidnapping attempt at Hale Park. Parks Superintendent Dauber of the Parks and Recreation Department, thanked the two employees for their quick action.
FILE NO. CC-37
- b) Mayor Warner presented a proclamation to Ed Wall, Chairperson of the Recreation Commission, proclaiming the month of July as "Parks and Recreation Month". The City Council was presented with baseball caps that will be given to Parks and Recreation supporters. Parks and Recreation Director Williamson announced that the Greater Kiwanis Club of Lodi has voted to maintain Candy Cane Park as part of the Parks and Recreation Department's ongoing volunteer park maintenance program. Further, the Boosters of Boys and Girls Sports (BOBS) is donating additional bleachers at Kofu Park.
FILE NO. CC-37
- c) Mayor Warner presented a proclamation to John Ferrero proclaiming Saturday, July 13, 1996 as "Festa Italiana" in the City of Lodi. This is the second year of the event, and they hope to bring in more than the 5,000 people it had last year. Festa Italiana, which will be held at the Lodi Grape Festival grounds, will feature Italian food and entertainment throughout the day. Friday night will feature a dinner comedy show called Famiglia.
FILE NO. CC-37
- d) Mayor Warner presented a proclamation to Marilyn Field and Gene Stark proclaiming the month of July as "Habitat for Humanity Month" in the City of Lodi. The City Council was invited to attend a dedication for Lodi's first Habitat for Humanity house on July 23, 1996 at 6:00 p.m. at 222 East Redwood Street. Mr. Stark presented the City Council with baseball caps. Habitat for Humanity will be starting a new project in Lodi soon.
FILE NO. CC-37

- e) Colleen Dixon with the East Side Improvement Committee invited Council and the public to attend its meeting at 7:00 p.m. on July 9, 1996 in the Carnegie Forum. The meeting, a discussion of youth and crime, will be televised live on the cable channel. The meeting will include discussions and training of the 911 emergency system, fingerprinting of children, and open discussion, lead by youngsters from a local church, involving youth and police.
FILE NO. CC-2(s)
-

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Sieglock second, approved the following items hereinafter set forth **except those otherwise noted** which were moved to the end of the agenda by the vote shown below:

Ayes: Council Members - Mann, Pennino, Sieglock and Warner (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

- a) Claims were approved in the amount of \$1,549,464.10.
FILE NO. CC-21(a)
- b) The Minutes of June 19, 1996 (Regular Meeting) were approved as written.
- c) Agenda item #E-3 entitled, "Plans and specifications and advertisement for bids for emergency automatic transfer switch replacement at White Slough Water Pollution Control Facility" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- d) Adopted Resolution No. 96-87 accepting the development improvements for Lucky Store #301, 530 West Lodi Avenue.
FILE NO. CC-46 AND CC-300
- e) Adopted Resolution No. 96-88 awarding the contract for Type II Slurry Seal for various City streets, 1996 to California Pavement Maintenance Company, Inc. in the amount of \$38,488.81.
FILE NO. CC-12(a) AND CC-300
- f) Agenda item #E-6 entitled, "Fee Payment Agreement for 458 East Almond Drive" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- g) Agenda item #E-7 entitled, "Joint-Powers Agreement for East San Joaquin Parties Water Authority" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
- h) Adopted Resolution No. 96-89 awarding the purchase of one Hewlett Packard DesignJet 750C inkjet plotter to the low bidder, Dieterich Post Company of Monterey Park, California, in the amount of \$7,201.88.
FILE NO. CC-12(d) AND CC-300
- i) Adopted Resolution No. 96-90 awarding the bid for the purchase of 384 electric watt-hour meters to the low bidder, Ace Supply Company of Emeryville, in the amount of \$10,066.78.
FILE NO. CC-12(d) AND CC-300

Continued July 3, 1996

- j) Agenda item #E-10 entitled, "Approve the transfer of \$88,435 from the 1996/97 HOME Funds allocated to repay San Joaquin County for funds loaned to the Hotel Lodi Project" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
 - k) Agenda item #E-11 entitled, "Certify a Negative Declaration as adequate environmental documentation for the Lodi Multi-Modal Station to be located at the southeast corner of Pine and Sacramento Streets" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Davenport.)
-

6. PUBLIC HEARINGS

None.

7. COMMUNICATIONS (CITY CLERK)

- a) City Clerk Perrin read the following ABC License:
 - 1. Perminder and Sukh C. Singh, Tokay Shell, 420 West Kettleman Lane, Lodi, Off-Sale Beer and Wine, Original License.
FILE NO. CC-7(f)
- b) The following reports were presented to the City Council:
 - 1. Planning Commission reports of June 10, 1996 and June 24, 1996.

The City Council, on motion of Council Member Sieglock, Mann second, unanimously set Public Hearing for July 17, 1996 to consider Planning Commission's recommendation to amend Lodi Municipal Code to permit full service car washes in CS, Commercial Shopping zones with a use permit and adopt new off-street parking standard for such car washes.
FILE NO. CC-35(c)
- c) The City Council, on motion of Council Member Sieglock, Mann second, unanimously set Public Hearing for July 17, 1996 to consider appeal received from Riney Bender on behalf of American Legion Lodi Post #22 regarding decision of the Recreation Commission to increase rental fees for the use of the parks for American Legion baseball.
FILE NO. CC-27(c) AND CC-56

8. REGULAR CALENDAR

- a) The City Council, on motion of Council Member Sieglock, Mann second, unanimously adopted Resolution No. 96-91 authorizing the Electric Utility Director to approve the Rate Agreement between Gold Country Pellet Fuel and the City of Lodi.
FILE NO. CC-51(d), CC-90, CC-300 AND CC-400
- b) Regarding naming the Lodi Public Library the C.M. (Bud) Sullivan Building, the City Council referred the matter to the Library Board of Trustees as to the best way to pay tribute to Mr. Sullivan and/or to preserve the memory of those who have served the Lodi Public Library.
FILE NO. CC-2(d) AND CC-6

Continued July 3, 1996

Speaking on the matter were the following persons:

1. Leonard Lachendro, 531 Virginia Avenue, Lodi, spoke in opposition to renaming the Lodi Public Library, regardless of who it is being named after. It is inappropriate. By singling out one person, the City is ignoring all of the other trustees over the years who have worked to make this Library what it is. All of those people are deserving of recognition. The Lodi Public Library is not a building, it means many things--it identifies where the Library is and what it does to serve the public and it is paid for and maintained by the public. Renaming it would sound too proprietary. When the new Library building was built, the decision was made that no rooms would be named after anybody; therefore, the rooms were named after the function of the room. Mr. Sullivan was the President at that time and insisted that this be so. There is a bronze dedication plaque in the lobby which includes his name for construction of the building.

9. ORDINANCES

- a) Ordinance No. 1634 entitled, "An Ordinance of the Lodi City Council Amending the Land Use Element of the Lodi General Plan by Redesignating the Rear .57 Acre Portion of the 3.45 Acre Parcel Located at 1011 South Cherokee Lane, from ER, Eastside Residential to GC, General Commercial" having been introduced at a regular meeting of the Lodi City Council held June 19, 1996 was brought up for passage on motion of Council Member Sieglock, Mann second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino, Sieglock and Warner (Mayor)

Noes: Council Members - None

Absent: Council Members - None

FILE NO. CC-35(a), CC-53(a) AND CC-149

- b) Ordinance No. 1635 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning the Rear .57 Acre Portion of the 3.45 Acre Parcel Located at 1011 South Cherokee Lane from R-1*, Single-Family, Eastside to C-2, General Commercial" having been introduced at a regular meeting of the Lodi City Council held June 19, 1996 was brought up for passage on motion of Council Member Pennino, Sieglock second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino, Sieglock and Warner (Mayor)

Noes: Council Members - None

Absent: Council Members - None

FILE NO. CC-35(a), CC-53(a) AND CC-149

10. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Joe Spinelli, Modesto, and property owner of 516 East Lodi Avenue, Lodi, complained about information he received from the Community Development Department. Mr. Spinelli owns a church at Lake Camanche North Shore where he conducts weddings. He is attempting to put a church office at his business on Lodi Avenue to meet and make arrangements locally. However, when he attempted to obtain a business license at City Hall, he was given a Home Occupation Permit and told that his business is zoned residential, not commercial, as it has been for years. He was told that because his business is actually a house, and is zoned residential. Mr. Spinelli questioned why he was not notified of this and when the change took place. Because of this, Mr. Spinelli would be

allowed office use with restrictions and therefore, would not be permitted to wed anyone there. Community Development Director Bartlam stated he would be willing to meet with Mr. Spinelli to work out this matter, since he was not entirely familiar with the situation.
FILE NO. CC-16

- b) Clayton Henson, 520 East Lodi Avenue, Lodi, who owns the property next to Mr. Spinelli, checked out his story and was told the same thing by the City. Mr. Henson cannot believe that a Department Head would take it upon himself to make this decision without some consultation with the City Manager and/or City Attorney. In regards to alley parking, Mr. Henson believes that there is not enough signage indicating where parking is allowed in alleys. The Public Works Department has a memo spelling out where vehicles are not allowed to park in alleys; however, there is no signing informing the public. Regarding skateboarding, Mr. Henson does not, as a taxpayer, want to pay for skateboarder damage done to City Hall. He suggested the City charge kids or put them in community service to offset the damages. Mr. Henson also feels bicyclists need a place to ride their bikes in town. They create dangerous situations at intersections. Mr. Henson also complained that a few days ago he phoned police dispatch about a possible suspicious activity, and it took them 30 minutes to arrive. Finally, Mr. Henson suggested the City of Lodi ask its Sister City, Kofu, Japan to send us Torii gates to be used at the gateway instead of the arch.
FILE NO. CC-16

11. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Davenport thanked everyone for coming to the meeting and commented on the following matters: 1) Reminded everyone to be ever mindful of gangs and to know where your kids are; 2) Is glad to see Blakely Pool open again for the summer; 3) Received a large packet from a person concerned about the evening noise level at Hutchins Street Square. Mr. Davenport believes the City Manager received this information and is working on the matter; 4) Asked that a copy of the Lodi Multi-Modal Station Negative Declaration be placed at the Library for public review. It contains many interesting facts and information. Mr. Davenport questioned the cost; and 5) Wished everyone Happy Fourth of July.
- b) Council Member Pennino requested the City Manager set a Shirtsleeve Session in a few months to discuss cross training of employees. There are many benefits to doing this, like the ability to fill a position with a qualified employee on staff should an employee leave.
FILE NO. CC-34
- c) Council Member Mann commented that with rate deregulation on the horizon, the City of Lodi has yet to formulate a master plan for the Electric Utility Department in the new environment. He has faith that the Department will rise to the occasion, but part of that success is a game plan in writing. Mr. Mann would like to see staff begin work on a master plan to be approved by the City Council by the end of the year. Mr. Mann expects this to be done professionally with a paid consultant that specializes in this kind of thing. The City Council concurred that the City needs a master plan in place.
FILE NO. CC-6 AND CC-51(d)
- d) Council Member Sieglock would like the Public Works Department to look into and mitigate the situation regarding the used car lot that has shifted east of Lakeshore Avenue. Also, Mr. Sieglock informed Public Works Director Ronsko that there is a possible site obstruction on northbound Hutchins Street coming into Lodi and turning left onto Wimbledon Drive. Council Member Sieglock enjoyed going to Celebrate America which was well attended. He appreciates the freedoms Americans have, like the right to vote and freely express views. Mr. Sieglock encouraged everyone to share with their children what Fourth of July means.

Continued July 3, 1996

- e) Mayor Warner agreed that Celebrate America was a great event and concurred with Council Member Sieglock that the Fourth of July is not just a holiday--Americans have a lot of freedoms and it is the best nation anywhere. Mayor Warner suggested staff look into the idea of running the GrapeLine buses continuously downtown and along School Street during revitalization construction. Because School Street may be one-way during the construction and because of the lack of parking, it would assist the public in getting around the area. Mayor Warner reminded the public that tomorrow is July Fourth at the Lake. The Lodi-Tokay Rotary Club has taken on the project which is a lot of work and effort, and he hopes it will pay off. There is a nominal fee to enter; but once inside the events and activities are free, and the fireworks will be spectacular and more patriotic.
FILE NO. CC-72 AND CC-400
- f) Council Member Pennino also reminded the public that the July Fourth at the Lake will kick off with the Kiwanis Club pancake breakfast, and encourage the public to attend.

12. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Pennino, Warner second, approved the plans and specifications for bids for emergency automatic transfer switch replacement at White Slough Water Pollution Control Facility, authorized advertising for bids, and directed staff to return to Council with additional information on the matter by the following vote:

Ayes: Council Members - Mann, Pennino, Sieglock and Warner (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None
FILE NO. CC-12.1(b)
- b) The City Council, on motion of Council Member Mann, Warner second, unanimously approved the Fee Payment Agreement for sewer capacity fees for 458 East Almond Drive and directed the City Manager to sign the Agreement on behalf of the City.
FILE NO. CC-56 AND CC-90
- c) The City Council, on motion of Council Member Sieglock, Warner second, unanimously approved the Joint-Powers Agreement and authorized the Mayor to execute the Agreement.
FILE NO. CC-51(d) AND CC-90
- d) The City Council, on motion of Council Member Pennino, Warner second, unanimously approved the transfer of \$88,435 from the 1996/97 HOME Funds allocation to repay San Joaquin County of funds loaned to the Hotel Lodi Project.
FILE NO. CC-6 AND CC-55
- e) The City Council, on motion of Council Member Sieglock, Mann second, unanimously adopted Resolution No. 96-62 certifying Negative Declaration as adequate environmental documentation for the Lodi Multi-Modal Station to be located at the southeast corner of Pine and Sacramento Streets.
FILE NO. CC-6, CC-50(a) AND CC-72

13. ADJOURNMENT

There being no further business to come before the City Council, Mayor Warner adjourned the meeting at approximately 9:00 p.m.

ATTEST:

Jennifer M. Perrin
City Clerk